

ENTERED

March 14, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONRSL-3B-IL, LTD., *et al*,

Plaintiffs,

VS.

SYMETRA LIFE INSURANCE COMPANY,
et al,

Defendants.

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CIVIL ACTION NO. 4:12-CV-2708

ORDER

Before the Court is Plaintiffs A.M.Y. and Finserv's Objections (Doc. # 162) to Magistrate Judge Stacy's Memorandum and Recommendation (Doc. #247). The objections are made pursuant to Federal Rule of Civil Procedure 72(b)(3). After reviewing the Memorandum and Recommendation and Plaintiffs' Objections, it is this Court's determination that the objections should be denied and the memorandum and recommendation adopted in full.

In their objections, Plaintiffs focus on just one of the dozen or so arguments raised in their motion to dismiss (Doc. #162). Plaintiffs contend that since several of the declaratory judgment actions brought by Defendants mirror the causes of action brought by Plaintiffs, these causes of actions should be dismissed. Doc. #251. Plaintiffs cite numerous cases to support the Court's ability to dismiss causes of action when they do not afford any new relief. *See* Doc. #162 at 12-14 (referenced in their Objections, Doc. #251).

However, after reviewing the causes of action and Plaintiffs' Objections, in addition to considering the posture of the case to date, it is this Court's determination that justice would be more efficiently served by permitting the causes of action to go forward. The parties in this case have proven to be particularly litigious and seek to raise and re-raise new and old issues.

Rejecting the declaratory actions raises the potential that the parties would bring a new suit in order to assert the actions not reached here. Accordingly, this Court will hear the causes of action “so as to foreclose and/or limit needless future litigation over the same issues.” Doc. #247 at 4; *see also* (*Burlington Ins. Co. v. Ranger Specialized Glass, Inc.*, CA No. 4:12-CV-1759; 2012 WL 6569774 at *2 (S.D. Tex. Dec. 17, 2012) (“[T]he Court has broad discretion in determining whether to entertain a declaratory judgment action under 28 U.S.C. § 2201.”).

For the reasons stated above, Plaintiffs Objections are DENIED and U.S. Magistrate Judge Francis Stacy’s Memorandum and Recommendation is ADOPTED.

It is so ORDERED.

MAR 14 2016

Date



THE HONORABLE ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE